



# Town Council Agenda Report

**SUBJECT:** Ordinance - Vacation/Abandonment

Application No., Project Name and Location: VA 3-1-00, ROHO - Flamingo, Ltd., Generally located at the northwest corner of Flamingo Road and Orange Drive, approximately 150' west of Flamingo Road and 20' north of Orange Drive.

**CONTACT PERSON/NUMBER**

Mark Kutney, AICP (797-1101)

**TITLE OF AGENDA ITEM:**

AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, VACATING A PORTION OF A UTILITY EASEMENT LOCATED WITHIN PARCEL A OF THE ICE PLAT; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

**REPORT IN BRIEF:**

To vacate a portion of a 15 foot utility easement at the northwest corner of Flamingo Road and Orange Drive, approximately 150' west of Flamingo Road and 20' north of Orange Drive adjacent to the subdivision platted as "ICE" as recorded in Plat Book 165, Page 21.

**PREVIOUS ACTIONS:**

On April 18, 2000, Council held a public hearing on the merits of this application. Council deferred its decision on the merits of the application to the May 3, 2000 meeting in order to provide the Planning and Zoning Board an opportunity to make its recommendation.

**CONCURRENCES:**

The Planning and Zoning Board motion to recommend approval subject to no objection letters from applicable public utilities (3-0, Mr. Stahl absent) April 26, 2000 meeting.

**RECOMMENDATION(S):** Motion to approve the ordinance.

**Attachment(s):** Ordinance, Planning Report, Justification Letter, Sketch and Description, Plat, Land Use, Subject Site, and Aerial.

ORDINANCE \_\_\_\_\_

AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, VACATING A PORTION OF A UTILITY EASEMENT LOCATED WITHIN PARCEL A OF THE ICE PLAT; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, a portion of the utility easement located within Parcel A of the ICE Plat, specifically described on Exhibit "A" attached hereto, was accepted as a public easement; and

WHEREAS, the property owners have petitioned the Town Council to vacate and abandon a portion of such easement; and

WHEREAS, at a noticed public hearing of the Town Council on the 17th day of May, 2000, the Town Council did agree to such vacation.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF DAVIE, FLORIDA.

SECTION 1. That a portion of the utility easement located within Parcel A of the ICE Plat, specifically described grant of easement on Exhibit "A" attached hereto, was accepted as a public easement; and

SECTION 2. If any section, subsection, sentence, clause, phrase, or portion of this Ordinance is, for any reason, held invalid or unconstitutional by any Court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portions of this Ordinance.

SECTION 3. This ordinance shall take effect immediately upon its passage and adoption.

PASSED ON FIRST READING THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2000.

PASSED ON SECOND READING THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2000.

\_\_\_\_\_  
MAYOR/COUNCILMEMBER

ATTEST:

\_\_\_\_\_  
TOWN CLERK

APPROVED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2000.

**Application #:** VA 3-1-00

**Revisions:**

**Exhibit "A"**

**Original Report Date:** April 12, 2000

**TOWN OF DAVIE  
Development Services Department  
Planning & Zoning Division Staff  
Report and Recommendation**

**APPLICANT INFORMATION**

**Owner/Agent**

**Name:** ROHO Flamingo, Ltd. - David Hollander, G.P.

**Address:** 3109 Stirling Road

**City:** Ft. Laud., FL 33312

**Phone:** (954) 962-9700

**BACKGROUND INFORMATION**

**Application Request:** To vacate a portion of a 15 foot utility easement at the northwest corner of Flamingo Road and Orange Drive, approximately 150' west of Flamingo Road and 20' north of Orange Drive within the subdivision platted as "ICE" as recorded in Plat Book 165, Page 21.

**Address/Location:** 12451 Orange Drive

**Land Use Designation:** Commercial

**Existing Zoning:** B-3 (Planned Business District)

**Existing Use:** Vacant

**Proposed Use:** Commercial Master Plan (Office/Retail Complex)

**Parcel Size:** .14 acre (5,986 square feet)

**Surrounding Land Use:**

**North:** Vacant land

**East:** Vacant land

**West:** Vacant land

**Surrounding Zoning:**

**North:** B-3 (Planned Business District)

**South:** E-1 (Single Family Residential) Unincorporated Broward County/

A-1 (Single Family Residential) Cooper City across the C-11 canal

**East:** AG (Agricultural)

**West:** B-3 (Planned Business District)

## **ZONING HISTORY**

**Related Zoning History:** This parcel is subject to a 1995 Settlement Agreement commonly referred to as the “Pasadena Imagination Farms” and “ICW” Agreement.

**Previous Request on same property:** Town Council approved by Resolution No. 96-115 the ICE Plat at its April 2, 1996 meeting.

Town Council approved by Resolution No. 99-359 a delegation request to establish an additional access opening 80’ in width along Flamingo Road (to support right turn in and right turn out) centered approximately 110’ south of the east 1/4 section line of Section 26-50-40.

## **Summary of Significant Development Review Agency Comments**

The Engineering Department has reviewed the subject request and has recommended approval. At the time of finalization of this report, the various utility companies which staff notifies of easement vacation requests have not responded with letters of no objection. Staff expects receipt of these letters prior to the April 18, 2000 Town Council meeting.

## **Application Codes and Ordinances**

Land Development Code Section 12-310 requires that Town Council must review and approve vacations and abandonments by Ordinance.

## **Comprehensive Plan Considerations**

**Planning Area:** This request is in Planning Area 2 which includes the westernmost section of the Town north of Orange Drive and south of SW 14 Street, and bound on the west by Interstate 75 and on the east by Flamingo Road. The predominant existing and planned land use is single family residential with a density of 1 dwelling unit per acre in this planned area.

**Flexibility Zone:** The proposed plat is in Flexibility Zone 113.

13, 1997 and an amendment was recorded on January 6, 1998.

**Applicable Goals, Objectives & Policies:** None

### **Staff Analysis**

On April 2, 1996, Town Council approved the ICE plat reflecting a 15' utility easement along a portion of the south and east limits of the plat located in the southeast corner of the site. The applicant is now requesting the approval to vacate said utility easement in order to construct a bank and fast food restaurant within Parcel "C" of the "Flamingo Commons Master Plan project".

Subsequent to the recording of the ICE plat, the applicants acquired the 1.33 acre parcel at the northwest corner of Flamingo Road and Orange Drive, being processed as the ICE II plat which is adjacent to the subject easement. Both plats will be developed as a unified master planned development, thus eliminating the need for the subject easement, which will be supplemented by easements within the ICE II plat.

### **Findings of Fact**

The proposed request is not contrary to the Land Development Code or adopted Comprehensive Plan, as amended, or any element or portion thereof.

### **Staff Recommendation**

**Recommendation:** Based upon the above and the positive findings of fact, staff recommends approval of application number VA 3-1-00, subject to letters of no objection from applicable public utilities.

### **Planning and Zoning Board**

The Planning and Zoning Board motion to recommend approval subject to no objection letters from applicable public utilities (3-0, Mr. Stahl absent) April 26, 2000 meeting.

### **Exhibits**

Ordinance, Planning Report, Justification Letter, Sketch and Description, Plat, Land Use Map, Subject Site Map, and Aerial.

Prepared By: \_\_\_\_\_



## **GGB Engineering Inc.**

3595 Sheridan Street • Suite 103  
Hollywood, Florida 33061

PH: (954) 986-9899  
FAX: (954) 986-6655

April 13, 2000

Ms. Gen Balusa  
Town of Davie  
6591 SW 45<sup>th</sup> Street  
Davie, Florida 33314-3399

Subject: ICE PLAT-Vacation of 15' Utility Easement  
GGB Engineering Project No. 00-0119

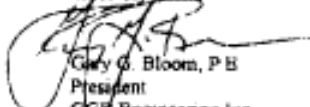
Dear Ms. Balusa:

On behalf of ROHO PLAMINGO, LTD. We have requested a vacation of an existing 15 foot utility easement around a portion of Parcel "A" of the ICE Plat as recorded in Plat Book 185 page 21 of the public records of Broward County.

The justification for the vacation is the fact that a new 15 foot utility easement will be described as part of the platting of the acreage at the intersection of Orange Drive with Flamingo Road that was previously carved out of the original ICE PLAT. The new easement to be described as part of the platting will describe the easement along the perimeter of the ICE PLAT and along the roadway arteries for ease of installation and maintenance as is normally provided. The requested easement to be vacated was original directed outside of this corner out parcel which was not part of the original ICE PLAT. This vacation request is therefore necessary to straighten the easement along the perimeter of the ICE PLAT parcel and not encumber any potential development within the ICE PLAT boundaries.

If you have any questions regarding any of the above, please feel free to contact this office.

Sincerely Yours,



Gary G. Bloom, P.E.  
President  
GGB Engineering Inc.  
SKB

**SKETCH AND DESCRIPTION FOR:  
ABANDONMENT OF A PORTION OF 15' U.E.  
A PORTION OF PARCEL "A" - ICE FLAT (P.B. 165, PG. 21, B.C.R.)**

**LAND DESCRIPTION:**

A portion of Parcel "A", ICE FLAT, according to the Plat thereof as recorded in Plat Book 165, Page 21 of the Public Records of Broward County, Florida, said portion of Parcel "A" being a portion of a 15 foot Utility Easement as shown on said Plat and more particularly described as follows:

COMMENCE at the northeast corner of said Parcel "A"; thence S01°47'01"E, along a east line of said Parcel, 650.19 feet; thence S88°12'59"W, along a south line of said Parcel "A", 15.00 feet to the POINT OF BEGINNING; thence S88°12'59"W, along said south line, 135.00 feet; thence S01°47'01"E, along a east line of said Parcel "A", 249.98 feet; thence N8°40'15"W, 15.12 feet to an intersection with a west line of a 15 foot Utility Easement as shown on said ICE PLAT; thence N01°47'01"W, along said west line, 263.10 feet to an intersection with a north line of said 15 foot Utility Easement; thence N88°12'59"E, along said north line, 150.00 feet; thence S01°47'01"E, 15.00 feet to the POINT OF BEGINNING.

Said lands situate in the Town of Davie, Broward County, Florida.

**NOTES:**

1. Reproductions of this Sketch are not valid without the signature and the original raised seal of a Florida licensed surveyor and mapper.
2. No Title Opinion or Abstract to the subject property has been provided. It is possible that there are Deeds, Easements, or other instruments (recorded or unrecorded) which may affect the subject property. No search of the Public Records has been made by the Surveyor.
3. The land description shown hereon was prepared by the Surveyor.
4. Bearings shown hereon are based on the plat with the North line of Parcel "A", having a bearing of N88°26'14"E.
5. Data shown hereon was compiled from instrument(s) of record and does not constitute a boundary survey.
6. Abbreviation Legend: B.C.R. = Broward County Records; L.B. = Licensed Business; P.B. = Plat Book; PG. = Page; P.L.S. = Professional Land Surveyor; P.O.B. = Point of Beginning; P.O.C. = Point of Commencement; R/W = Right-of-Way; S.R. = State Road; U.E. = Utility Easement.

**CERTIFICATION:**

I HEREBY CERTIFY that the attached Sketch and Description of the hereon described property is true and correct to the best of my knowledge and belief as prepared under my direction on 2/15/00. I FURTHER CERTIFY that this Sketch and Description meets the Minimum Technical Standards set forth in Chapter 61G17-6, Florida Administrative Code, pursuant to Section 472.027, Florida Statutes.



JOHN T. DOOGAN, P.L.S.  
Florida Registration No. 4409  
AVIROM & ASSOCIATES, INC.  
L.B. No. 3300



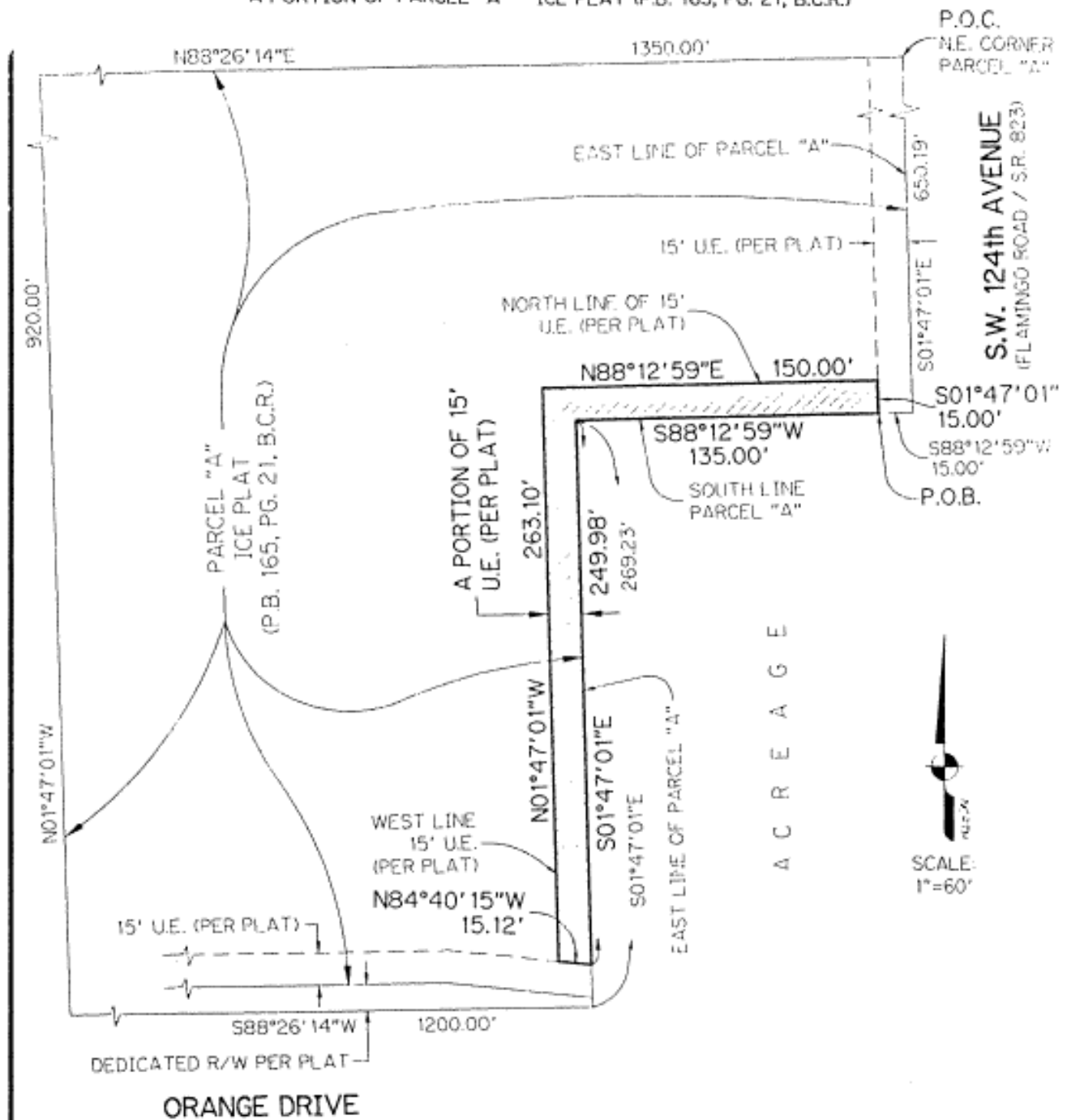
**AVIROM & ASSOCIATES, INC.**  
**SURVEYING & MAPPING**  
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JOB # 6604

DATE: 2/15/00

SHEET 1 OF 2

SKETCH AND DESCRIPTION FOR:  
**ABANDONMENT OF A PORTION OF 15' U.E.**  
 A PORTION OF PARCEL "A" - ICE PLAT (P.B. 165, PG. 21, B.C.R.)



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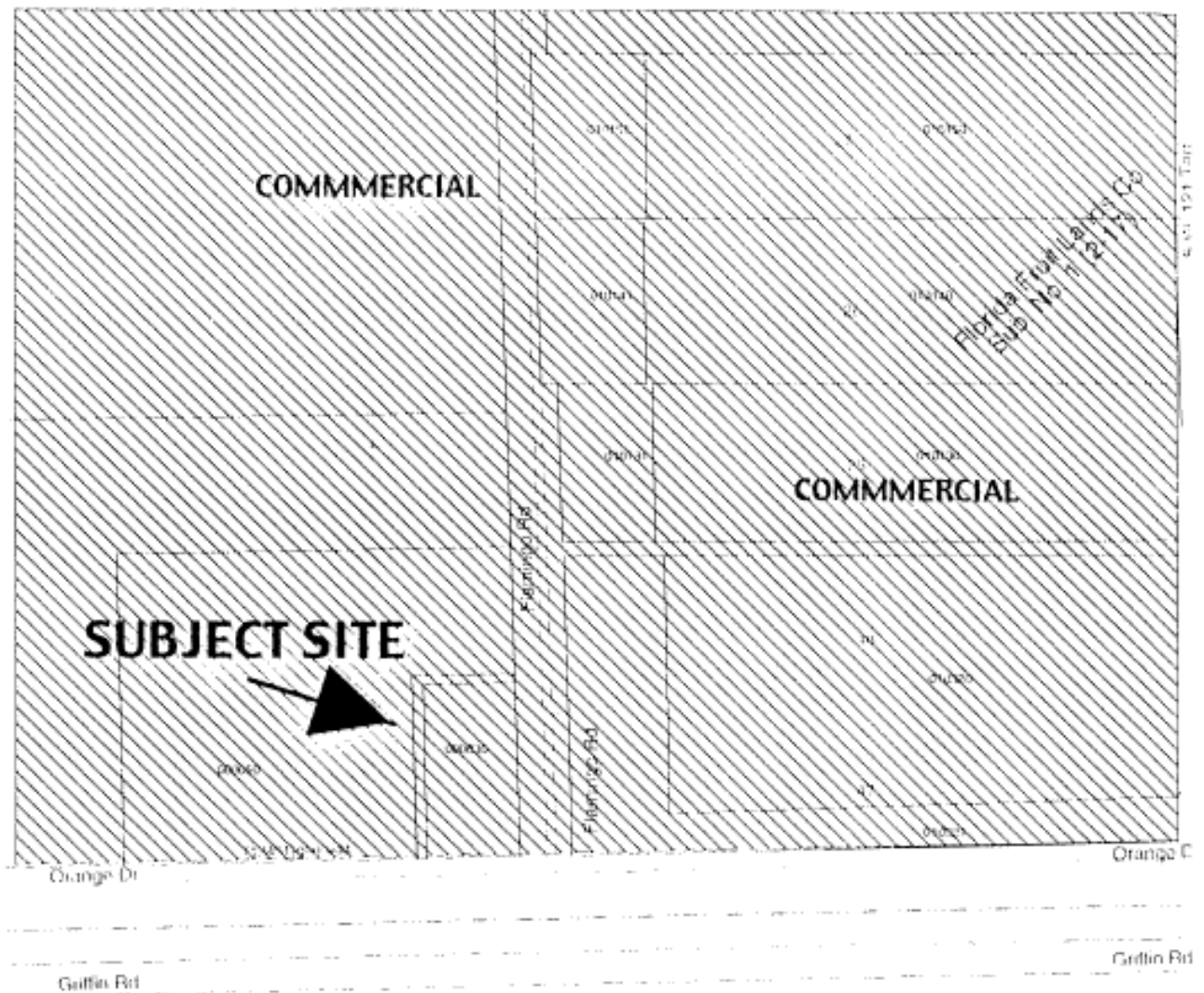
JOB # 6604

DATE: 2/15/00

SHEET 2 OF 2



NEW SOUTH RIVER CANAL (C-11)



PETITION NUMBER		N
VA 3-1-00		4
Source: Town of Davis Future Land Use Map		
PREPARED 3/27/00		Scale: 1"=100'
BY THE PLANNING & ZONING DIVISION		



VACANT

FLAMINGO RD

VACANT

SINGLE FAMILY RES

SUBJECT SITE



ORANGE DR

GRIFFIN RD

COPPER CITY



DATE FLOWN  
JANUARY 1999  
SCALE: NTS  
VA 3-1-00